

Jail - Mandatory - 30-45 days (cannot substitute home confinement)

Electronic Home Confinement Mandatory- 60-90 days

License Suspension - 730 or 900 days (Occupational License **NOT** available unless 1st DUI was over 5 years prior)

Required Treatment - Two years
(alcohol/drug dependence)

Sanctions 2nd DUI Conviction

Jail - Mandatory - 1 or 2 days (can be substituted by 15-30 days home confinement)

Electronic Home Confinement Mandatory- None -

License Suspension - 90 or 365 days (Occupational Driver's License available for legal drivers after 30 days suspension)

Required Treatment - Either 8 hour information Class (no significant problem) or up to 1 year of treatment (alcohol/drug abuse)

Sanctions 1st DUI Conviction Clark County District Court

Deferred Prosecution For DUI Offenders

For DUI Offenders

Judge Vern Schreiber
Judge Scott Anders
Judge Darvin Zimmerman
Judge Kenneth Eiesland
Judge Randal Fritzler
Commissioner James Swanger

1200 Franklin Street
PO Box 9806
Vancouver WA 98666-8806
(360) 397-2424

Carefully consider your need for treatment and of the higher penalty you will face, if you decide to use the deferred prosecution option and not follow through with the program. The option for deferred prosecution can only be exercised once and will be counted as a conviction.

To help you decide, you can attend an orientation on deferred prosecution every Thursdays at 3:30 p.m. at the offices of the Community Corrections. Tel. No. 397-2436

This brochure is a collaborative effort between District Court and Community Corrections.

In Making a Decision on Whether to Apply for the Program ...

Even though you have been charged with DUI, you may be eligible to petition the court for deferred prosecution. The deferred prosecution program is an alternative to punishment for persons who will benefit from a treatment program.

To be eligible, you may be evaluated by a state-approved agency, and you must not currently be on deferred prosecution for any other offense. You must agree to complete an extensive treatment program for alcoholism. If you qualify for deferred prosecution, your case will be dismissed if you successfully complete the treatment program. If your petition for deferred prosecution is granted, the Dept. of Licensing may return your driver's license, but **first** you are required to provide proof of liability insurance.

You will be responsible for the cost of the diagnosis and treatment, if financially able. You should inform the judge if you are interested in pursuing deferred prosecution, and the forms will be furnished to you.

Before the court enters an order granting the deferred prosecution, you must admit to the facts contained in the police report. The police report will be used to support a guilty finding, if the court finds cause to revoke your deferred prosecution during the treatment period.

You will be removed from the deferred prosecution program and a finding of guilty for the charged offense may be entered if:

- ♦ You are convicted of an offense similar to the one charged while you were on deferred prosecution program; or
- ♦ You fail to follow the treatment plan or other terms of the order.

The court will not accept a petition for deferred prosecution from a person who believes he/she is innocent of the charges or who sincerely believes that he/she does not, in fact, suffer from alcoholism, drug addiction, or mental problems.

If you decide not to petition for deferred prosecution, you may still seek suspension of the fine or jail sentence on condition that you get treatment for alcoholism, if you are found guilty of DUI.

Notice to DUI Offenders

Deferred Prosecution Information

The Washington State Deferred Prosecution Statute (RCW 10.05.020/2) states,
" the defendant shall be advised that the court will not accept a petition for deferred prosecution from a person who sincerely believes that he or she is innocent of the charges and sincerely believes that he or she does not, in fact, suffer from alcoholism, drug addiction, or mental problems."

It is our experience that many defendants, particularly those with only one DUI, do not sincerely believe that they suffer from alcoholism or drug addiction and enter deferred prosecution simply to avoid a conviction and jail time. Then, because they do not feel that abstinence is necessary for them, they continue to drink or use and end up with another DUI.

When this occurs, the defendant realizes that he/she no longer has the option of deferred prosecution to avoid the more serious sanctions of the second DUI.

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